

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2155

Introduced by Assembly Member Ridley-Thomas

February 17, 2016

An act to amend Section 22138.5 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL’S DIGEST

AB 2155, as amended, Ridley-Thomas. Teachers: retirement: full time.

The Teachers’ Retirement Law creates the State Teachers’ Retirement System and State Teachers’ Retirement Plan for the purpose of providing teachers and other specified employees with financially sound retirement plans, and vests administration of the system and the plan with the Teachers’ Retirement Board. That law defines the term “full time” as the days or hours of creditable service an employer requires a class of employees to perform in a school year in order to earn the compensation earnable, as defined, and provides that one measure of the minimum standard for full time in community colleges is 875 instructional hours per school year for all instructors employed in adult education programs. *That law requires each collective bargaining agreement or employment agreement that applies to specified members of the system to, among other things, specify the number of hours of creditable service that equals full time for those members.*

~~This bill would provide that instructors employed in certain adult education programs, as specified, are not subject to the 875-hour requirement. additionally require each collective bargaining agreement or employment agreement to specify the courses for which instructors~~

are subject to the 875-hour requirement for any agreement entered into, extended, renewed, or amended on or after January 1, 2017. The bill would also provide that an instructor not subject to the 875-hour requirement is subject to one of two other specified hour requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22138.5 of the Education Code is
2 amended to read:
3 22138.5. (a) (1) “Full time” means the days or hours of
4 creditable service the employer requires to be performed by a class
5 of employees in a school year in order to earn the compensation
6 earnable as defined in Section 22115 and specified under the terms
7 of a collective bargaining agreement or employment agreement.
8 For the purpose of crediting service under this part, “full time”
9 may not be less than the minimum standard specified in this
10 section. ~~Each~~
11 (2) (A) *Each* collective bargaining agreement or employment
12 agreement that applies to a member subject to the minimum
13 standard specified in either paragraph (5) or (6) of subdivision (c)
14 shall ~~specify~~ *do all of the following*:
15 (i) *Specify* the number of hours of creditable service that equals
16 “full time” pursuant to this section for each class of employee
17 subject to either paragraph ~~and make~~ (5) or (6) of subdivision (c).
18 (ii) *Specify the courses for which an instructor is subject to*
19 *paragraph (6) of subdivision (c), if applicable, for an agreement*
20 *entered into, extended, renewed, or amended on or after January*
21 *1, 2017.*
22 (iii) *Make specific reference to this section, and the district shall*
23 *section.*
24 (B) *The employer shall* submit a copy of the agreement to the
25 system.
26 ~~(2)~~
27 (C) The copies of each agreement shall be submitted
28 electronically in a format determined by the system that ensures
29 the security of the transmitted member data.
30 ~~(3)~~

1 (D) The copies shall be electronically submitted annually to the
2 system on or before July 1, or on or before the effective date of
3 the agreement, whichever is later.

4 (b) The minimum standard for full time in prekindergarten
5 through grade 12 is as follows:

6 (1) One hundred seventy-five days per year or 1,050 hours per
7 year, except as provided in paragraphs (2) and (3).

8 (2) (A) One hundred ninety days per year or 1,520 hours per
9 year for all principals and program managers, including advisers,
10 coordinators, consultants, and developers or planners of curricula,
11 instructional materials, or programs, and for administrators, except
12 as provided in subparagraph (B).

13 (B) Two hundred fifteen days per year or 1,720 hours per year
14 including school and legal holidays pursuant to the policy adopted
15 by the employer's governing board for administrators at a county
16 office of education.

17 (3) One thousand fifty hours per year for teachers in adult
18 education programs.

19 (c) The minimum standard for full time in community colleges
20 is as follows:

21 (1) One hundred seventy-five days per year or 1,050 hours per
22 year, except as provided in paragraphs (2), (3), (4), (5), and (6).
23 Full time includes time for duties the employer requires to be
24 performed as part of the full-time assignment for a particular class
25 of employees.

26 (2) One hundred ninety days per year or 1,520 hours per year
27 for all program managers and for administrators, except as provided
28 in paragraph (3).

29 (3) Two hundred fifteen days per year or 1,720 hours per year
30 including school and legal holidays pursuant to the policy adopted
31 by the employer's governing board for administrators at a district
32 office.

33 (4) One hundred seventy-five days per year or 1,050 hours per
34 year for all counselors and librarians.

35 (5) Five hundred twenty-five instructional hours per school year
36 for all instructors employed on a part-time basis, except instructors
37 specified in paragraph (6). If an instructor receives compensation
38 for office hours pursuant to Article 10 (commencing with Section
39 87880) of Chapter 3 of Part 51 of Division 7 of Title 3, the

- 1 minimum standard shall be increased appropriately by the number
2 of office hours required annually for the class of employees.
- 3 (6) Eight hundred seventy-five instructional hours per school
4 year for all instructors employed in adult education ~~programs,~~
5 ~~except for programs offered pursuant to Section 84760.5.~~
6 *programs*. If an instructor receives compensation for office hours
7 pursuant to Article 10 (commencing with Section 87880) of
8 Chapter 3 of Part 51 of Division 7 of Title 3, the minimum standard
9 shall be increased appropriately by the number of office hours
10 required annually for the class of employees.
- 11 (d) The board has final authority to determine full time for
12 purposes of crediting service under this part if full time is not
13 otherwise specified in this section.
- 14 (e) This section shall become operative on July 1, 2013.